

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 97-7041

RONALD E. BRANDT, SR., a/k/a Rank,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Virginia, at Newport News.
Robert G. Doumar, Senior District Judge.
(CR-92-67, CA-97-48-4)

Submitted: August 27, 1998

Decided: September 15, 1998

Before NIEMEYER and HAMILTON, Circuit Judges, and
BUTZNER, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

Ronald E. Brandt, Sr., Appellant Pro Se. Harvey Lee Bryant, III,
Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

Appellant appeals from a district court order that concluded his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998) was barred by the one-year limitations period of 28 U.S.C.A. § 2255. Appellant's conviction became final in February 1993, and he filed his § 2255 motion on April 21, 1997. Appellant had until April 23, 1997, to file his § 2255 motion. See Brown v. Angelone, ___ F.3d ___, 1998 WL 389030 (4th Cir. July 14, 1998) (Nos. 96-7173, 96-7208). Therefore, his motion was not time barred. For these reasons, we grant a certificate of appealability on this issue, vacate the district court's order, and remand for further proceedings. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

VACATED AND REMANDED